

REMARKS:

The Office action mailed June 27, 2005 has been received and carefully considered. Reconsideration of the claims as amended hereby is respectfully requested.

Original Claims 1 to 29 were rejected as anticipated by or obvious variously on the basis of Shapiro, et al., Michelson, Ray or combinations thereof.

Claim 1 has been deleted and Claim 30 has been added to emphasize the invention of applicant. In particular, applicant provides a centerline cage with a supporting structure end cap that has wings that support between and follow the anterior curvature of the edges of the vertebra out to the outer lateral sides of the vertebrae. This provides substantial support against subsidence of the bone relative to the centerline cage in the area where the strength of the bone is greatest while also serving the dual purpose of stabilizing a single centerline cage.

It is urged that this concept is not disclosed by the prior art. In particular, Shapiro does not show a winged structure for support and is designed for use in pairs. Michelson also discloses a cage designed for use in pairs. While Michelson has end supports, such do not support between the vertebrae nor do they extend to the outer lateral surfaces of the vertebrae, but rather are screwed into the anterior faces of adjacent vertebrae.

The Ray device disclosed in Fig. 5 of that patent appears to

be the most similar to applicant's invention in that it has a centerline cage with an end cap having a pair of extensions or tangs 60 that stabilize between adjacent vertebrae. However, the Ray device is different from applicant's device in that the Ray tangs are closely spaced relative to the centerline cage and do not follow along the curvature of the bones out to the lateral sides thereof. Because of this, the tangs of Ray take only a little advantage of the stronger bone found along the anterior edge of the vertebrae and fail to support the bone all the way out to the lateral sides. Because applicant's device does support the bones in this manner, it provides greater resistance to subsidence and is more stable with respect to rocking movement of the bones relative to the centerline cage. It is urged that this structure of applicants distinguishes over the cited art and is in no way taught or suggested by the cited references whether taken alone, in combination with each other or in combination with other art of record.

Independent Claims 10, 28 and new Claim 32 also include the feature of the end cap structure having wings that both support the facing surfaces of the vertebrae and extend to the lateral sides of the vertebrae following the curvature of the edges of the vertebrae to provide support to resist rocking movement of the vertebrae about the cage and to resist subsidence of the vertebrae relative to the cage.


Certain of the originally submitted claims were provisionally rejected as obvious-type double patenting with respect to applicant's co-pending application Serial No. 10/666,074. This rejection is believed to be improper as both applications were filed simultaneously and the subject matter of the independent claims in each is different. However, if the rejection is made and is found to be proper, applicant intends to submit a terminal disclaimer to overcome this rejection.

In view of the above, it is urged that the pending claims are allowable and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,

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November 28, 2005.

Roger P. Jackson  
(Applicant)

By



November 28, 2005

(Date of Signature)